



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,770	03/04/2004	Jeung Ui Kwen	1988.0003C	4411

27896 7590 02/24/2006

EDELL, SHAPIRO & FINNAN, LLC  
1901 RESEARCH BOULEVARD  
SUITE 400  
ROCKVILLE, MD 20850

EXAMINER

PHAM, HUONG Q

ART UNIT PAPER NUMBER

3764

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/791,770	<b>Applicant(s)</b> KWEN, JEUNG UI	
	<b>Examiner</b> Huong Q. Pham	<b>Art Unit</b> 3764	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1- 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the zigzag connection recited in claims 1 and 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2, 8 -12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As for claims 2, 9, it is unclear what material is considered to be a material that “radiating a far infrared ray”. Also, note that “far” is a relative term. As for claim 8, it is unclear what shape is the recited “rounded rectangular shape”. The meaning of “assembly recesses concaved at a lower side” is unclear. What are these structures and where is this “lower side”? Is it connected to and is a part of the first wall? It is unclear what surface is the recited “mutual –adjacent side” surface. Is this the surface of the corners? It is unclear what structures are the recited: “a bottom portion”, “a lower side”, “to close a lower portion” (claim 8). It is unclear what structure is the recited “its one portion” (claim 8). As for claim 11, it is unclear what surfaces are the recited “four rounded side surfaces”. Are these surfaces the surfaces of the corners? As for claim 12, “four side surfaces” lack proper antecedent basis. It is unclear what structures are these recited “four side surfaces”.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shek ( 5,105,490) in view of Burnham ( 5,725,484).

Shek teaches cushion mat comprising a plurality of rotational units 14 (plurality of rotating members 14 form a unit ) each having at least one rotational member for rotating whenever person sitting on the cushion motion, housing 12, 15 for housing the rotational members 14 , connection string 16 passing through each plurality of rotational units 14. Burnham teaches a massaging device having rotating balls. In view of the teaching of Burnham, it would have been obvious to one ordinary skill in the art at the time the invention was made to provide the device of Shek with rotating balls to provide the desired massaging effect. As for claim 2, note that most material can radiate infrared ray. As for claim 3, note the balls of Burnham, and note that the provision for the dimension of the balls is well within the realm of the artisan of ordinary skill in the art, and does not provide any unobvious result, and therefore is not patentable over prior art.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan ( 5,416,936) in view of Kim ( 5,724,687) or Shek ( 5,105,490).

As for claim 1, Chan teaches a cushion mat with a free rotational balls, the cushion mat comprising plurality of rotational ball units 41, 2,3, 42 ( figure 2) , each

Art Unit: 3764

rotational ball rotating whenever cushion mat in motion, and housing 41, 42 for housing the rotational balls 2,3 ; and connection means 5, 432 for connecting the ball units together. Kim teaches the use of string 42 for connecting elements 40 together. Shek teaches the use of string 16 for connecting units 14 together. In view of the teachings of Kim or Shek, it would have been obvious to one ordinary skill in the art at the time the invention was made to connect the ball units of Chan using a connecting string so that the ball units can move together as one larger unit. As for claim 2, note that most material can radiate infrared ray. As for claim 3, note the balls of Chan, and note that the provision for the dimension of the balls is well within the realm of the artisan of ordinary skill in the art, and does not provide any unobvious result, and therefore is not patentable over prior art. As for claim 4, note upper housing 41 , lower housing 42 of Chan. As for claim 5, note the ventilation holes 433 of Chan, and note that the provision for ventilation holes to provide ventilation is well within the realm of the artisan of ordinary skill in the art, and does not provide any unobvious result, and therefore is not patentable over prior art. As for claim 6, note the gaps in figure 4 of Chan. As for claim 7, note the groove shown in figure 2 of Chan.

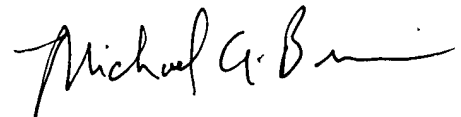
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huong Q. Pham whose telephone number is (571) 272-4980. The examiner can normally be reached on 7:15 AM - 3:45 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on ( 571) 272 - 4887. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 17, 2006

A handwritten signature in black ink, appearing to read "Michael A. Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

MICHAEL A. BROWN  
PRIMARY EXAMINER